

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES CONTANT, *et al.*,

Plaintiffs,

v.

BANK OF AMERICA
CORPORATION, *et al.*,

Defendants.

Case No. 17-cv-3139-LGS

(related to No. 13-cv-7789-LGS)

ECF CASE

**NOTICE OF PLAINTIFFS' MOTION FOR DISBURSEMENT
OF SETTLEMENT FUNDS**

PLEASE TAKE NOTICE that, on a date and at a time to be determined by the Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, in the Courtroom of the Honorable Lorna G. Schofield, Plaintiffs will, and hereby do, move this Court, pursuant to the Court-approved Plan of Allocation proposed in the May 22, 2020, Declaration of Janet S. Netz, Ph.D, ECF 420-6, for an Order:

- (1) Approving the allocation determinations made by Court-appointed Claims Administrator Heffler Claims Group ("Heffler")¹ in consultation with Plaintiffs' expert economic consulting firm, applEcon, based on the Court-approved Plan of Allocation;
- (2) Authorizing the Claims Administrator to accept the late-filed claims described in the Declaration of Lori L. Castaneda in Support of Plaintiffs' Motion for

¹ The Court-appointed Claims Administrator changed its name to Kroll Settlement Administration in April 2021.

Disbursement of Settlement Funds (“Castaneda Decl.”), and Declaration of Michael Dell’Angelo in Support of Plaintiffs’ Motion for Disbursement of Settlement Funds (“Dell’Angelo Decl.”), and to include such claims in the *pro rata* distribution of Net Settlement Funds;

- (3) Authorizing the Claims Administrator to distribute to each authorized Claimant its *pro rata* share of the Net Settlement Funds, as proposed in the Memorandum in Support of Plaintiffs’ Motion for Disbursement of Settlement Funds, the Castaneda Decl., and the Dell’Angelo Decl.;
- (4) Approving the withholding of \$50,000 from the Net Settlement Funds to address any unanticipated disputes arising from the claims process, distribution of the Net Settlement Fund, tax reporting, and any potential future taxes owed;
- (5) Approving the Payment of up to \$3,000 for taxes owed, if any, by the Net Settlement Funds, as a Qualified Settlement Fund, on interest income earned on the funds deposited in the Court-approved escrow account;
- (6) Approving the payment of payment of \$41,600 to Heffler (the Claims Administrator) for management of the distribution process including printing of checks, postage, the reissuance of checks, as needed, along with Class Member communications and any other duties deemed necessary to complete the distribution and payment of \$500 to applEcon for fees to assist with the claims process and calculating payments to authorized claimants.
- (7) Releasing and discharging Class Counsel, Heffler, applEcon and all persons who are involved in the review, verification, calculation, tabulation or any other aspect

of the processing of the claims filed in this action, or who are otherwise involved in such activities; and

- (8) Barring all members of the Settlement Classes, whether or not they are to receive payment from the Net Settlement Funds, from making any further claim against the Net Settlement Funds beyond the amount allocated to them by the Settlements as approved by the Court.

Submitted herewith in support of this Motion are the following:

- (1) Memorandum in Support of Plaintiffs' Motion for Disbursement of Settlement Funds;
- (2) Declaration of Lori L. Castaneda in Support of Plaintiffs' Motion for Disbursement of Settlement Funds, and exhibits;
- (3) Declaration of Michael Dell'Angelo in Support of Plaintiffs' Motion for Disbursement of Settlement Funds; and
- (4) Proposed Order Preliminarily Approving Disbursement of Settlement Funds;

Dated: November 30, 2020

Respectfully submitted,

/s/ Michael Dell'Angelo

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